

PATENT

REMARKS

This paper is responsive to the non-Final Office Action dated May 7, 2004. Claims 1 – 34 examined. Claims 1 – 26 and 29 – 32 are allowed. Claims 27 – 28 stand rejected. Claims 27 and 28 have been amended. The Office has objected to claims 33 and 34, but indicated that they are allowable.

Rejection under 35 U.S.C. §101

The Office has rejected claims 27 and 28 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended claim 27 to include “computer implemented.” The “computer implemented lock manager” permits functionality to be realized. Claim 27 is directed to statutory subject matter. Applicant submits that claims 27 and 28 are in condition for allowance, and respectfully requests withdrawal of the rejections.

Nonstatutory Provisional Double Patenting Rejections

The Office has provisionally rejected claims 12, 13, 22, 27 – 29, and 32 – 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending U.S. Patent Application No. 09/992,720. A terminal disclaimer accompanies this response. However, Applicant respectfully submits that claims 22, 29, and 32 do not “essentially recite the same limitations of claims 18, 22, 27, and 30” of the co-pending patent application, as asserted by the Office. In addition, Applicant notes that claims 12 and 13 depend on independent claim 10. The limitations of claim 10 are not “essentially recited” in claims of the co-pending patent application. Therefore, claims 12 and 13 are not “essentially recited” in claims of the co-pending patent application.

Allowed Claims

Applicant appreciates the Examiner’s reasons for allowance. Applicant respectfully submits that the claims are allowable because the art of record fails to teach, alone or in combination, the invention described in at least each of the independent claims.

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Conclusion

In summary, claims 1 – 34 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

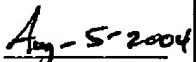
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Date

Respectfully submitted,



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